

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved November 3, 2011

THURSDAY, SEPTEMBER 1, 2011, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins and Commissioners: Abraham, Clow, Harpootlian and Partridge.

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; and Sarah Corso, Community Development Specialist.

2. PRESENTATIONS FROM THE FLOOR - None

3. PUBLIC HEARINGS

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioners Harpootlian and Partridge spoke with the applicant.

- 3.1 LANDS OF MANI, 12490 Corbetta Lane; File #138-11-ZP-VAR, A request for a fence variance to install a six (6) foot tall open wrought iron fence, gate and columns with a reduced setback of 20 feet from the Corbetta Lane right-of-way centerline where Section 10-1.507 (f) requires a 45 foot setback. CEQA Review: Categorical Exemption per Section 15303 (e) (staff-Brian Froelich).

Brian Froelich, Associate Planner, presented the staff report for a fence variance at 12490 Corbetta Lane. The applicant proposed installing a six foot, open wrought iron fence, gate, and columns with a reduced setback of 20 feet from the centerline of the Corbetta Lane right-of-way. Section 10-1.507 of the fence ordinance requires a 45 feet setback from the centerline of all roads for open style fences.

Variances provide relief from development standards where a particular property has a limitation or deficiency that disallows the property from being developed in a manner consistent with similarly zoned properties in the area. The subject property is generally flat and larger than one acre. The lot is four-sided and presents no other physical limitation to the installation of a compliant fence.

Approval of this variance would merit similar consideration for all corner lots in the Town. Approval would also be a grant of special privilege, inconsistent with the General Plan. Staff has recommended denial of the project due to a lack of findings to support the applicant's request.

CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Reshma Mani, Applicant, presented a PowerPoint presentation to the Commission, requesting a 20 feet variance on the portion of the fence that parallels Corbetta Lane and a variance for a sliding gate.

The applicant request approval of the variance because 1) the fence complies with the height, design, and setbacks of neighboring fences in the area. 2) a 30 foot setback for the gate would allow the applicant to keep the oak trees that would otherwise need to be removed. 3) the property warrants an exceptional circumstance because it is a corner lot and has to adhere to two setbacks. 4) the fence is needed for protection from fast moving traffic and unwanted guests.

Next, **Ms. Mani** said she does not believe granting the variance would result in special treatment because neighboring properties have legal and illegal non-conforming fences along Corbetta Lane.

Sanjay Mani, Applicant, addressed the sliding gate, expressing that it would be difficult to relocate because the gate needs to be at least ten feet from the surrounding oak trees and the land around the driveway is raised on each side.

Commissioner Abraham suggested that the fence be redesigned to avoid harming the trees. He also asked the applicant about the methods of measuring the road from the centerline of the right-of-way.

Commissioner Harpootlian asked staff to clarify the requirements for fence height in relation to distance from the centerline of the right-of-way.

Debbie Pedro, Planning Director, explained that a six foot open fence is required to be 45 feet from the road's centerline right-of-way. For every foot the fence is raised, an additional ten feet of setback is required.

Commissioner Abraham asked the applicants if they felt it necessary to have a sliding gate as opposed to a bifold or hinged gate.

Ms. Mani said that they were being considerate of cost.

Commissioner Abraham suggested that the applicant have an accurate survey taken of the property and the centerline right-of-ways for Corbetta Lane and Altamont Road. Similar to other Commissioners, he did not feel confident with the current plans presented by the applicant.

CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

Commissioner Harpootlian discussed the difference between roads with a 60 foot right-of-way and roads with a 40 foot right-of-way. He had concerns that the fence ordinance does not take these differences into consideration. He believed the fence ordinance should be consistent with a standard setback from the edge of the road.

Commissioner Abraham asked staff what they intended to do about the other fences along Corbetta Lane that are illegal non-conforming.

Director Pedro explained that the Town's code enforcement policy is complaint driven. If the Planning Department were to receive a formal complaint, staff would direct the public safety officer to investigate. Also, when applicants apply for permits they are required to bring all structures up to code as a condition of final approval.

Commissioner Clow strongly believed it was important for the Commission to support the Town's ordinances because allowing illegal fences would hinder the Town's ability to enforce ordinances, and would set a bad example for the applicant and future residents who wish to construct fences.

Chairman Collins asked that the fence matter be brought back for discussion at a later point on the agenda, under "NEW BUSINESS."

Commissioner Partridge believed there were multiple issues with the project that make it difficult to conclude. First, he does not see any hardship or reasoning for a variance. Second, the landscape architect's plans do not line up with the topography of the site. Third, he feels the trees located around the proposed gate should be preserved. He suggested the applicant consider another gate design such as a bifolding gate, or consider moving the gate away from the drip lines of the trees.

Commissioner Clow believed the proposed project will result in a fence that disrupts the open space feeling of the Town and would promote similar variance requests. Commissioner Clow suggested as a condition of approval that the applicants add landscape screening to lessen the impact of a solid fence along Altamont Road.

Chairman Collins agreed with staff's recommendation to deny the request for a variance because she does not believe having a gate is a right the Commission would defend. She agreed with previous comments that it is difficult for residents to see legal and illegal non-conforming fences throughout Town and not have the ability to build to the same standards.

MOTION AMENDED, SECONDED, AND PASSED BY ROLL CALL VOTE: Commissioner Clow motioned to deny the application and uphold staff's recommendations. Seconded by Commissioner Abraham.

AYES: Commissioners: Harpootlian, Partridge, Clow, Abraham, and Chairman Collins
NOES: None
ABSENT: None
ABSTAIN: None

- 3.2 LANDS OF PURISSIMA HILLS WATER DISTRICT (APPLICANT-AT&T), 26451 Ascension Drive; File #36-11-CUP-VAR; A request for modifications to an existing/previously approved Wireless Communications Facility including the addition of two (2) panel antennas (52" H x 12" W x 6" D) on an existing 28' tall steel monopole and a variance to locate three (3) new ground equipment cabinets on an 8' x 8' concrete pad within the front setback. CEQA Review: Categorical Exemption per Section 15301 (a) (staff-Nicole Horvitz).

Commissioner Harpootlian recused himself from the hearing because he lives within 500' of the project site.

Debbie Pedro, Planning Director, presented the staff report. The site is located on Lands of Purissima Hills Water District and the carrier is AT&T. The parcel is 1.17 acres and has a 34 percent slope. Currently the site is used as a water storage facility and operation storage facility. On the property there are two water tanks, a maintenance building, pump house, and storage facility. In 2003 the City Council approved a Conditional Use Permit Variance for a new facility that included a 28 foot tall monopole and three ground equipment cabinets that encroach up to 20 feet into the front setback. At the time, the Town required the dedication of an open space easement that covers approximately one-third of the property. On May 7, 2009, AT&T renewed their CUP permit for another 10 years. The application is a request to modify the existing facility to add two new antennas to the existing 28 foot monopole. The height of the pole will not change. The applicant is also applying for a variance to construct a new 8' by 8' foot concrete pad for the ground equipment that would encroach up to approximately nine feet into the front setback. There will be three new cabinets located on the pad; two stacked and one stand alone. The new equipment will be painted to match the existing equipment. Staff made findings of approval for the setback encroachment due to the topography, existing development, and limited space of the property. The new equipment will not be visible from the road.

It appeared to **Commissioner Partridge** that the original landscaping had been altered. He would like to see landscape screening used to mitigate the impacts of the alterations.

Director Pedro said that staff could include landscape screening as a condition of approval on the project. Staff could request that AT&T and Purissima Hills Water District restore the land to its original condition.

CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Jonathan Fong, AT&T representative, introduced the project to the Planning Commission as a modification to an existing AT&T facility. There are four existing panels on the monopole which will grow laterally with the improvements. The two proposed antennas will not increase the height of the structure. Referencing landscaping, Mr. Fong stated that it would be a net benefit to the property.

Gary Saka, Los Altos Hills resident, expressed concerns with having Purissima Hills Water District as a neighbor.

Steve Ciesinski, Los Altos Hills resident, had concerns about the height of the cell tower. He questioned if the cell tower would be measured before and after the project is completed, to ensure height consistency.

Director Pedro stated that the cell tower height would not change. From grade, the cell tower is and will stay at 28 feet. Prior to finalizing the project there would be an inspection conducted by a third party, certifying that the new antennas do not exceed the existing height of the monopole. The information will be public record and if Mr. Ciesinski would like verification of the tower's height, he could view the document at Town Hall.

Mr. Fong said that there would be multiple third parties certifying the accuracy of the plans and structure by stamping and/or signing the plans.

Commissioner Abraham asked the applicant to address the issue of landscape screening to repair the berm on the property. He suggested that adding soil to the berm would help screen the cabinets.

Chairman Collins recommended the applicant not add more soil, but rather add ground covering.

Commissioner Partridge expressed his concern that the berm would erode over time and cause further damage to the site.

Director Pedro said that as a condition of final approval for the project the Town could request that the applicant include landscape screening and possibly restoration to the grade on the site.

CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

No discussion.

MOTION MADE, SECONDED, AND PASSED BY CONSENSUS: Commissioner Clow motioned to recommend to City Council approval of the request for modifications to the existing and previously approved wireless communication facility, with the inclusion of landscape screening and a letter certifying the height of the structure. Seconded by Commissioner Abraham.

AYES: Commissioners: Partridge, Clow, Abraham, and Chairman Collins
NOES: None
ABSENT: None
ABSTAIN: Commissioner: Harpootlian

This item will be forwarded to a future meeting of the City Council.

Commissioner Harpootlian returned to the dais.

4. OLD BUSINESS – none.

5. NEW BUSINESS –

Continued from item 3.1, **Chairman Collins** reopened the discussion of illegal non-conforming fences along Corbetta Lane.

Commissioner Clow supported the Planning Commission taking a stance against the illegal non-conforming fences located at 12500 Corbetta Lane. Allowing the fence to be constructed in its current condition violates the Town's ordinance and sets a bad example for other residents.

Chairman Collins suggested that the Commission direct staff to investigate the fence.

Commissioner Harpootlian noted that the Town did not randomly choose to investigate the code violation; they became aware of it while researching the current application.

Commissioner Partridge believed that because staff and the Commission know about the violation, they have a responsibility to pursue it.

Debbie Pedro, Planning Director, explained that precedent has been to pursue code violations when staff becomes aware of them.

The Planning Commission placed a formal request with staff to investigate the illegal non-conforming fence at 12500 Corbetta Lane. The Commission did not recommend any disciplinary actions. Once investigated, staff will direct further actions.

6. REPORTS FROM THE CITY COUNCIL MEETINGS

- 6.1 Planning Commission Representative for September 22 – Commissioner Clow
- 6.2 Planning Commission Representative for October 20 – Commissioner Partridge
- 6.3 Planning Commission Representative for November 17 – Cancelled
- 6.4 Planning Commission Representative for December 7 – Commissioner Harpootlian

Commissioner Harpootlian and Commissioner Abraham reported on the July 21, 2011 City Council meeting.

7. APPROVAL OF MINUTES

- 7.1 Approval of July 7, 2011 minutes.

Moved by Commissioner Abraham, seconded by Commissioner Harpootlian, and passed unanimously to approve Consensus Calendar Item 7.1 Approval of Meeting Minutes: Planning Commission Regular Meeting – July 7, 2011, as corrected.

8. REPORTS FROM FAST TRACK MEETING – JULY 12, JULY 19, AUGUST 9, AND AUGUST 30, 2011

- 8.1 LANDS OF LOS ALTOS HILLS FAMILY PARTNERS, LLC, 14565 Manuella Road; File #87-11-ZP-SD; A request for a Site Development Permit for a new 3,719 square foot two-story residence (Maximum height: 26'). CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Nicole Horvitz). Approved with conditions.
- 8.2 LANDS OF PANACCIONE, 12760 Dianne Drive; File #78-11-ZP-SD-GD; A request for a Site Development Permit for a new 4,988 square foot single story residence with a 2,637 square foot basement and 1,078 square foot swimming pool (Maximum height: 27 feet). CEQA Review: Categorical Exemption per Section 15303 A&E (staff-Brian Froelich). Approved with conditions.
- 8.3 LANDS OF PREYSMAN, 24202 Hillview Road; File #73-11-ZP-SD, A request for a Site Development Permit for a new 4,773 square foot two story residence (Maximum height: 27') with a 622 square foot basement. CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Nicole Horvitz). Approved with conditions.
- 8.4 LANDS OF COAN, 11551 Hillpark Lane; File #95-11-ZP-SD, A request for a Site Development Permit for a new 5,000 square foot single story residence (Maximum height: 21') with a 672 square foot swimming pool. CEQA Review: Categorical Exemption per Section 15303 (a) and (e) (staff-Nicole Horvitz). Approved with conditions.
- 8.5 LANDS OF WEISS FAMILY 1996 TRUST, 13090 N. Alta Lane; File #92-11-ZP-SD-GD, A request for a Site Development Permit for a new 4,032 square foot single story new residence (Maximum height: 21') with a 2,322 square foot basement and 576 square foot swimming pool. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (staff-Nicole Horvitz). Approved with conditions.

9. REPORTS FROM SITE DEVELOPMENT MEETINGS – JULY 26, AND AUGUST 2, 2011

- 9.1 LANDS OF CEDAR, 13300 E. Sunset Drive; File #53-11-ZP-SD; A request for a Site Development Permit for a landscape screening plan for a 4,643 square foot new residence approved on June 17, 2011. CEQA review: Categorical Exemption per Section 15304 (a) (Staff-Nicole Horvitz). Approved with conditions.
- 9.2 LANDS OF 13815 BARTON, LLC, 13815 Barton Court; File #132-11-ZP-SD; A request for a Site Development Permit for a 704 square foot basement addition below the existing garage. CEQA review: Categorical Exemption per Section 15301(e) (Staff-Brian Froelich). Approved with conditions.

- 9.3 LANDS OF KOONG, 23690 Ravensbury Avenue; File #131-11-ZP-SD; A request for a Site Development Permit for a landscape screening plan for a 4,995 square foot new residence approved on July 21, 2009. CEQA review: Categorical Exemption per Section 15304 (b) (Staff-Brian Froelich). Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:10 p.m.

Respectfully submitted,

Sarah Corso
Community Development Specialist